

REMARKS

By this response, 8-21 and 24-39 are pending. No new matter is introduced.

The Ex parte Quayle Action mailed July 9, 2010 objected to the specification and rejected claims 32-39 under 35 U.S.C. § 112, first paragraph. The Ex parte Quayle Action also allowed claims 8-21 and 24-31.

Specification Objection

The Examiner has objected to the specification, stating that it introduces new matter into the disclosure. In particular, the Examiner states that the added material, “[a] computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps,” is not supported by the original disclosure. The Examiner also state that “the examiner cannot generalize that the mobile phone has a computer readable medium and the computer readable medium comprises such instructions as claimed.”

Applicants respectfully disagree. It is respectfully submitted that Applicants do not attempt to generalize that every mobile phone has a computer readable medium. Rather, Applicants explained in the Response filed on April 22, 2010 that the specification discloses storing various information, such as radio stations and bookmarks, and thus discloses presence of the computer-readable storage medium. Further, the specification discloses that the mobile phone has various components such as such as the browser 203, the Internet connection device 204, the execution environment 205, the utility control 206, the broadcast receiver chip 207 that inherently utilize a computer-readable storage medium. Hence, the mobile phone disclosed in the specification may inherently include the computer readable medium to utilize the features

disclosed in the specification. Further, it is inherent that the computer readable medium in the mobile phone may be used to store instructions that cause an apparatus to perform the steps in the claimed invention. Applicants remind the Examiner that, pursuant to MPEP §2163 II(A)(3)(a) “What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94... If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.” Therefore, it is respectfully submitted that the feature of amended claim 32 is supported by the specification, and thus is not new matter.

Rejection Under 35 U.S.C. § 112, 1st Paragraph

The Examiner states that the original specification does not disclose the feature, “[a] computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps,” as recited in claim 32.

As discussed above, the specification discloses the computer-readable storage medium as well as instructions carried by the computer-readable storage medium. Therefore, Applicants respectfully submit that the claims, as amended, are fully supported by and adequately described in the written description of the specification. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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